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Practitioner's Docket No. 2004-2156.CIP

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Regalo International, LLC

Serial No.: 10/820,358

Filed: April 7, 2004

For: Mattress Hugging Bed Rail

Examiner: SANTOS, Robert G.

Group No.: 3673

Confirmation No.: 8169

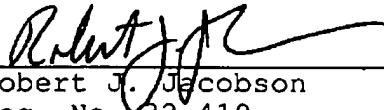
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Certificate of Facsimile Transmission

I hereby certify that the following documents are being facsimile transmitted to the United States Patent and Trademark Office on January 2, 2005 to 1-703-872-9326 totaling four pages by applicant's attorney, Robert J. Jacobson:

1. This Certificate of Facsimile Transmission dated January 2, 2005 (one page);
2. Information Disclosure Statement dated January 2, 2005 (two pages); and
3. PTO-1449 form.

Respectfully submitted,

Date: 1-2-2005  
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Robert J. Jacobson  
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**Information Disclosure Statement**

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby submits the reference(s) listed on the attached Form(s) 1449 (or equivalent) such that said reference(s) may be considered and made of record. A copy of each of the cited reference(s) is not enclosed pursuant to 37 CFR 1.98(d). No representation is made that any of the listed reference(s) is prior art pursuant to 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

This Information Disclosure Statement is being filed in accordance with the following provision(s):

37 CFR 1.97(b)(3) Before the mailing of a first Office action on the merits. No fee is required.

37 CFR 1.98(d) A copy of any patent, publication, pending

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I hereby certify that this correspondence and the documents referred to as enclosed therein are being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 2, 2005 to 1-703-872-9326 by applicant's attorney, Robert J. Jacobson.

  
\_\_\_\_\_  
Robert J. Jacobson, Reg. No. 32,419

(Information Disclosure Statement-page 1 of 2)

U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- 2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

As to 37 CFR 1.97(b)(3), this Information Disclosure Statement is being facsimile transmitted on January 2, 2005, on which date PAIR, checked by the undersigned, indicated that no Office Action on the merits had yet issued.

As to 37 CFR 1.98(d), this application relies, under 35 U.S.C. 120, on the earlier filing date of U.S. Patent Application 10/652,296 filed August 29, 2003. The following references were submitted to, and/or cited by, the Patent Office in the prior application and, therefore, are not required to be provided in this application: those references listed on the PTO-1449 form that is attached to this Information Disclosure Statement, which references were cited by the Patent Office with the Office Action of December 16, 2004 of U.S. Patent Application 10/652,296.

Respectfully submitted,

Date: 1-2-2005

  
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(Information Disclosure Statement—page 2 of 2)

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/820,358
				Filing Date	April 7, 2004
				First Named Inventor	Mark A. FLANNERY
				Art Unit	3673
				Examiner Name	SANTOS, Robert G.
Sheet	one	of	one	Attorney Docket Number	2004-2156.CIP

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

**Examiner  
Signature** \_\_\_\_\_ **Date  
Considered** \_\_\_\_\_

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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